

**FILED**

**AUG 22 2012**

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA

BY \_\_\_\_\_ DEPUTY

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL CLYDE DUTY,

Defendant.

2:11-CR-327-PMP-(CWH)

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on August 22, 2012, defendant MICHAEL CLYDE DUTY, pled guilty to Count Two of a Nine-Count Criminal Indictment charging him in Count Two with Conspiracy to Unlawfully Deal in Firearms in violation of Title 18, United States Code, Sections 371 and 922(a)(1). Criminal Indictment, ECF No. 1.

This Court finds defendant MICHAEL CLYDE DUTY agreed to the forfeiture of the property set forth in Forfeiture Allegations of the Criminal Indictment and the Plea Memorandum. Criminal Indictment, ECF No. 1.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegations of the Criminal Indictment and the Plea Agreement and the offense to which defendant MICHAEL CLYDE DUTY pled guilty.

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1 The following assets are subject to forfeiture pursuant to Title 21, United States Code,  
2 Sections 853(a)(1),(a)(2), and (p); and Title 18, United States Code, Section 924(d)(1) and Title 28,  
3 United States Code, Section 2461(c):

- 4 (a) Maverick model 88, 12 gauge short-barreled shotgun, serial number MV04934G;
- 5 (b) Mossberg, model 500A, 12 gauge shotgun, serial number L244961;
- 6 (c) Intratec Model Tec-9, 9mm, serial number 23988;
- 7 (d) Russian SKS 7.62X39 rifle, with bayonet, serial number 9937905;
- 8 (e) Beretta, model 92FS Compact 9mm pistol, serial number E31982Z;
- 9 (f) a homemade Mac-11 type 9mm pistol;
- 10 (g) Keltic, CNC Industries, Inc. P11 pistol 9mm, serial number ASK60;
- 11 (h) any and all ammunition;
- 12 (i) an in personam criminal forfeiture money judgment of \$900.00 in United States  
13 Currency; and
- 14 (j) an in personam criminal forfeiture money judgment of \$300.00 in United States  
15 Currency ("property").

16 This Court finds the United States of America is now entitled to, and should, reduce the  
17 aforementioned property to the possession of the United States of America.

18 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
19 United States of America should seize the aforementioned property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
21 MICHAEL CLYDE DUTY in the aforementioned property is forfeited and is vested in the United  
22 States of America and shall be safely held by the United States of America until further order of the  
23 Court.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
25 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
26 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state

1 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state  
2 the name and contact information for the government attorney to be served with the petition,  
3 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be  
5 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
7 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
8 following address at the time of filing:

9 Michael A. Humphreys  
Assistant United States Attorney  
10 Daniel D. Hollingsworth  
Assistant United States Attorney  
11 Lloyd D. George United States Courthouse  
333 Las Vegas Boulevard South, Suite 5000  
12 Las Vegas, Nevada 89101.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
14 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
15 following publication of notice of seizure and intent to administratively forfeit the above-described  
16 property.

17 DATED this 22<sup>nd</sup> day of August, 2012.

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UNITED STATES DISTRICT JUDGE  
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